IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26521 of 2007(G)

PETITIONER:

FOUJA ALI C.H.,
W/O.LATE ALI, AGED 43 YEARS, AMSOM VILLA,
NETHAJI NAGAR, OTTAPPALAM, PALAKKAD, WORKING AS
L.D.CLERK, DISTRICT LIMB FILLING CENTRAL,
DISTRICT HOSPITAL, PALAKKAD.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT, HEALTH & FAMILY WELFARE (M) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.

4. THE DISTRICT MEDICAL OFFICER OF HEALTH PALAKKAD.

5. K.K.PRADEESH KUMAR, LDS, GOVERNMENT HOSPITAL OTTAPALAM.

6. SUPERINTENDENT, GOVERNMENT HOSPITAL, PALAKKAD.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.26521 of 2007 G

Dated this the 6th day of September, 2007.

JUDGMENT

The petitioner, working as a Lower Division Clerk in the District Hospital, Palakkad, came under orders of deployment as per Ext.P3. On re-deployment, she is directed to be posted to the Primary Health Centre, Kalladikode, which is about 20 kms away from the present station. She contends that re-deployment should be made in such a manner that the junior most in the Department should first go. Reference in this regard is made to the judgment of this court dated 27th June, 2002 in O.P.No.16156/02 which contains the general principles regarding re-deployment, though the said case was centered round the re-deployment of the Public Works Department.

2. Ext.P2 representation has been submitted by the petitioner to the Secretary to the Government, essentially where she prays that the order of re-deployment may be cancelled.

3. Learned counsel for the petitioner contends that the re-deployment ordered under Ext.P3 cannot be given effect to in the light of the directions issued by this court in O.P.No.16156/02 referred to above. According to her, her juniors

have been retained in the same station and she has been re-deployed. I do not find that this grievance is raised in Ext.P2. Nevertheless, if the guidelines directed to be followed by this court have been breached, the authorities will have to look into the same. I do not find any ground to interfere with Ext.P3.

4. However, the petitioner will file a representation before the District Medical Officer, the 4th respondent, raising any specific instance of re-deployment, where juniors have been retained at the petitioner's expense. If such a representation is filed within two weeks from today, the same will be looked into and appropriate orders will be passed and consequential remedial action will be taken within two months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

(V.GIRI)

JUDGE

sk/

//true copy//

P.S. To Judge